

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: March 7, 2016

**JUDGE
K. NICOLE MITCHELL**

REPORTER: Chris Bickham
LAW CLERK: Terri Good

COURTROOM DEPUTY: Lisa Hardwick

EQUISTAR CHEMICALS LP ET AL v. WESTLAKE CHEMICAL CORPORATION	6:14cv68 JURY SELECTION / TRIAL Day One
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
See Attorney Sign in Sheet	See Attorney Sign-In Sheet

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 8:38 a.m.	ADJOURN: 5:01 p.m.
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TIME:	MINUTES:
8:38 a.m.	Case Called. Appearances made (see Attorney Sign-In Sheet). Parties announced ready to proceed.
8:38 a.m.	The Court ruled on the Plaintiff's [179] Motion for Bench Trial or Alternatively a Bifurcated Trial on Willfulness. The Motion is DENIED. The Court inquired of counsel if they had come to an agreement re Defendants Motion in Limine 2 re the European patent. Parties stated they had come to an agreement.
8:40 a.m.	Michael Bittner stated there were objections to two of the Defendant's Exhibits.
8:40 a.m.	Mr. Bittner argued the first objection to Defendant's Exhibit 34. Response by Staci Wilson. The Court allowed the Exhibit in.
8:43 a.m.	Mr. Bittner argued objection to Defendant's Exhibit 65. Response by Staci Wilson. The Court excluded the document.

Filed: 3/7/2016

DAVID A. O'TOOLE, CLERK

BY: *Lisa Hardwick*, Courtroom Deputy

TIME:	MINUTES:
8:48 a.m.	Ms. Wilson argued objection to Plaintiff's demonstrative exhibit that Plaintiff were planning to use during opening argument. Response by Michael Bittner. The Court allowed the demonstrative.
9:51 a.m.	Ms. Wilson argued objection to Plaintiff's demonstrative 141 (Dr. Jorden's deposition testimony). Response by Mr. Bittner. The Court allowed the demonstrative in.
9:54 a.m.	Ms. Wilson argued objection to Plaintiff's demonstrative 142 (three objections to the time line). Ms. Wilson argued the first objection. Response by Michael Bittner.
8:56 a.m.	Ms. Wilson argued the second objection to Plaintiff's demonstrative 142. Response by Michael Bittner.
8:58 a.m.	Ms. Wilson argued the third objection to Plaintiff's demonstrative 142. Response by Michael Bittner.
9:01 a.m.	The Court allowed the use of the Plaintiff's demonstrative 142.
9:01 a.m.	Ms. Wilson argued objection to deposition clip of Dr. Shiba's testimony, lines 20-25 being used for opening argument. Response by Mr. Bittner.
9:04 a.m.	The Court excluded the deposition clip.
9:04 a.m.	End of argument on objections.
9:05 a.m.	Court Recessed. Jury Panel to be brought in.
9:25 a.m.	JURY SELECTION BEGINS.
9:25 a.m.	The Court welcomed the jurors and thanked them for their appearance.
9:29 a.m.	Voir Dire Begins. Prospective jurors stood up and introduced themselves and stated a little bit about their backgrounds.
9:41 a.m.	Thomas Melsheimer introduced Plaintiff's counsel.
9:42 a.m.	John Barr introduced Defendant's counsel.
9:43 a.m.	The Court questioned the juror panel.
9:47 a.m.	Plaintiff's counsel Mr. Melsheimer presented questions to the jurors.
10:18 am	Defendant's counsel Mr. Barr presented questions to the jurors.
10:44 am	End of counsel questioning of the jurors. The Court will take up jurors who wanted to speak privately at the bench. All jurors except Nos. 11, 15, and 16 were excused.
10:45 am	Private bench bar with Juror #11.
10:47 am	Private bench bar with Juror #15.
10:48 am	Private bench bar with Juror #16.

TIME:	MINUTES:
10:51 am	Court Recessed
11:21 am	Court Resumed
11:22 am	Counsel briefly cross checked the juror list. Batson challenge argued at the bench by Plaintiff's attorney Mr. Melsheimer. The Batson challenge was DENIED.
11:26 am	The clerk read the names of the selected jurors. The Jury Panel was seated and sworn.
11:28 am	The Court gave preliminary Jury Instructions.
11:52 am	The Jury Panel was excused for lunch.
11:53 am	Court Recessed
1:01 pm	Court Resumed
1:01 pm	The Court announced that the Patent Video will be played for the jurors.
1:02 pm	The Jury Panel was called in and seated. The Patent Video was played.
1:19 pm	End of Patent Video.
1:19 pm	The rule was invoked. Witnesses sworn. Witnesses were allowed to remain in the courtroom for opening statement.
1:21 pm	Thomas Melsheimer presented opening argument.
1:50 pm	Richard Whiteley presented opening argument.
2:22 pm	Opening Argument Concludes.
2:23 pm	Plaintiff's Case in Chief begins
2:23 pm	Dr. Mark Pucci (previously sworn) was called as a witness by the Plaintiff, and was examined on Direct Examination by Danielle Williams.
3:04 p.m.	Court Recessed
3:24 pm	Court Resumed
3:24 pm	Cross-Examination of Dr. Mark Pucci by John Barr.
3:52 pm	Re-Direct Examination of Dr. Mark Pucci by Danielle Williams. Plaintiff's Exhibits PX-1, PX-15, and PX-242, offered and admitted without objection.
3:54 pm	Bench Bar Conference.
3:54 pm	Bench Bar Conference concludes.
3:54 pm	Re-Direct Examination of Dr. Mark Pucci resumes.
4:05 p.m.	Ms. Williams offered Plaintiff's Exhibit PX-169. The exhibit was admitted without objection

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